

Message Text

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ORIGIN EB-07

INFO OCT-01 AF-06 EUR-12 NEA-09 ISO-00 CAB-02 CIAE-00

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R 192253Z FEB 75

FM SECSTATE WASHDC

TO AMEMBASSY DAKAR

AMEMBASSY ABIDJAN

AMCONSUL CASABLANCA

AMEMBASSY MONROVIA

INFO AMEMBASSY ACCRA

AMEMBASSY YAOUNDE

AMEMBASSY BANGUI

AMEMBASSY BRUSSELS

AMEMBASSY COTONOU

AMEMBASSY LAGOS

AMCONSUL JOHANNESBURG

AMEMBASSY KINSHASA

AMEMBASSY LIBREVILLE

AMEMBASSY LOME

AMEMBASSY NAIROBI

AMEMBASSY NOUAKCHOTT

AMEMBASSY NDJAMENA

AMEMBASSY NIAMEY

AMEMBASSY OUAGADOUGOU

AMEMBASSY PRETORIA

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E.O. 11652:N/A

TAGS: EAIR, SG, IV, MO, LI

SUBJECT: US CIVAIR BILATERALS WITH WEST AFRICAN COUNTRIES

REF: A) YAOUNDE 332; B) MONROVIA 836

1. IN VIEW OF EXPRESSED DESIRE BY SEVERAL WEST AFRICAN COUNTRIES TO CONCLUDE BILATERAL AIR TRANSPORT AGREEMENTS WITH U.S., AND RECOMMENDATIONS BY RCAA WHITMAN AND PAN AMERICAN AIRWAYS THAT WE SHOULD NOW NEGOTIATE WITH SENEGAL AND IVORY COAST, DEPARTMENT AND CAB REVIEWING OUR CURRENT CIVAIR POLICY OF NO NEW CIVAIR BILATERALS WITH AFRICAN COUNTRIES. HOLDING LINE ON NEW BILATERALS CONTINUES IN EFFECT AS WE EXPLORE OTHER OPTIONS.

2. WE REALIZE THAT BILATERALS WITH SENEGAL AND IVORY COAST WOULD LEAD TO PRESSURES FOR TALKS WITH COUNTRIES SUCH AS GHANA. PROLIFERATION OF AGREEMENTS COULD SERVE TO DILUTE PAN AM'S POSITION IN THE RELATIVELY THIN WEST AFRICA AIR PASSENGER MARKET AND COULD ADD TO CAPACITY PROBLEMS OVER NORTH ATLANTIC. ON THE OTHER HAND, WE ARE GIVING SERIOUS CONSIDERATION TO POINTS MADE IN REF A AND TO REPRESENTATIONS MADE DIRECTLY TO DEPARTMENT BY PAN AM CONCERNING POSSIBLE FUTURE RESTRICTIONS AGAINST U.S. AIRLINES IF AGREEMENTS NOT NEGOTIATED. CAB HAS ALSO REQUESTED PAN AM TO

SUBMIT STUDY OF ITS MARKETING PLANS IN WEST AFRICA IN ORDER TO INCLUDE CONSIDERATION OF AIRLINE'S COMMERCIAL INTERESTS INTO OUR POLICY REVIEW. ADDRESSEES ARE WELCOME TO CONTRIBUTE ANY PERTINENT VIEWS RE ADVISABILITY OF CHANGING OUR CIVAIR BILATERALS POLICY.

3. DEPARTMENT BELIEVES THAT IT WOULD BE USEFUL FOR RESPECTIVE EMBASSIES TO POINT OUT TO HOST GOVERNMENT AUTHORITIES, WHERE APPROPRIATE, THAT BILATERALS WOULD IN NO WAY REMOVE NECESSITY FOR AFRICAN CARRIERS SUCH AS AIR AFRIQUE TO HOLD VALID U.S. OPERATING PERMITS IF CONDUCTING LIMITED OFFICIAL USE

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FLIGHTS TO U.S. SUCH FOREIGN AIR CARRIER PERMITS ARE REQUIRED UNDER SECTION 402 OF FEDERAL AVIATION ACT AND ARE ISSUED ON BASIS OF PROOF BY THE APPLICANT THAT IT IS WILLING AND ABLE TO CONDUCT REQUESTED SERVICE AND TO COMPLY WITH ALL OTHER PERTINENT U.S. REGULATIONS. PERMITS ARE ISSUED ONLY IF IT IS FOUND THAT COMITY AND RECIPROCITY EXIST IN AVIATION RELATIONS BETWEEN U.S. AND APPLICANT'S COUNTRY. FOREIGN CARRIERS DESIGNATED UNDER TERMS OF ANY

GIVEN BILATERAL WITH U.S. MUST FOLLOW SAME PROCEDURES FOR OBTAINING OR EXTENDING SEC 402 PERMITS AS CARRIERS NOT SUBJECT TO BILATERALS. AIR AFRIQUE'S EXPERIENCE AS REPORTED REF A IS REGRETABLE, BUT UNFORTUNATELY WOULD NOT HAVE BEEN MATERIALLY CHANGED IF THE CARRIER WERE DESIGNATED UNDER A BILATERAL AGREEMENT. IN SUM, ALL CARRIERS ARE TREATED EQUALLY; THERE IS NO DISCRIMINATION.

4. FYI: THE EXIBITS PROVIDED BY AIR AFRIQUE WERE NOT ADEQUATELY RESPONSIVE TO THE EVIDENCE REQUEST THE CAB ISSUED WELL IN ADVANCE OF THE HEARING. AIR AFRIQUE RECEIVED NORMAL EVIDENCE REQUEST WITH A FEW ADDITIONAL QUESTIONS WHICH RELATED TO UNIQUE FACT THAT AIRLINE IS CONSORTIUM INVOLVING SEVERAL COUNTRIES. THE HEARING TOOK LONGER THAN USUAL BECAUSE OF NUMBER OF QUESTIONS ABOUT AIR AFRIQUE'S FINANCIAL STATEMENTS. MANY OF THESE QUESTIONS AROSE BECAUSE SOME OF THE TERMINOLOGY WAS DIFFERENT FROM THAT WHICH IS NORMALLY USED IN FINANCIAL STATEMENTS IN US. THERE IS A FEELING THAT EXAMINATION OF EXIBITS BY AIR AFRIQUE COUNSEL SHOULD HAVE TURNED UP INADEQUENCIES PRIOR TO SUBMISSION CAB AND THAT DELAYS IN HEARING DATE WERE AVAILABLE IF NEEDED. END FYI.

5. FOR MONROVIA: DEPARTMENT EXPECTS TO MAKE SUBSTANTIVE REPLY TO LIBERIA NOTE PENDING OUTCOME OF SUBJECT POLICY REVIEW. EMBASSY AUTHORIZED TO SEND INTERIM NOTE ACKNOWLEDGING RECEIPT OF GOL REQUEST AND INFORMING THAT IT HAD BEEN TRANSMITTED TO DEPARTMENT FOR CONSIDERATION.

6. FOR ABIDJAN, DAKAR: HAVE EMBASSIES RECEIVED, THROUGH DIPLOMATIC CHANNELS, FORMAL REQUESTS FOR CIVAIR CONSULTATIONS FROM RESPECTIVE GOVERNMENTS? PLEASE CONFIRM. KISSINGER

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